Doc Code: AP.PRE.REQ

PRE-APPEAL BRIEF REQUEST FOR REVIEW

	Docket Number (Optional)
	P/4309-83

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	Application Number	Filed
	10/517,797	12/13/2004

on _____

Signature_____

	First Named Inventor
	Michel Gielis

Typed or printed name _____	Art Unit	Examiner
	2451	Karen C. Tang

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
        Note: No more than five (5) pages may be provided.

I am the

[ ] applicant/inventor.

[ ] assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

[ ] attorney or agent of record.
Registration number _____.

[✓] attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 51,271

/Brian E. Hennessey/
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Signature

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Typed or printed name

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10-09-2009
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

[ ] *Total of _____ forms are submitted.

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Application No.	:	10/517,797	Confirmation No.: 8972
Applicants	:	Michel Gielis	
Filed	:	December 13, 2004	
Group Art Unit	:	2451	
Examiner	:	Karen C. Tang	
Docket No.	:	P/4309-83	
Title	:	State Remote Reading Device, and Uses Thereof	

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450.

ARGUMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to final Office Action mailed June 9, 2009, and concurrently with a Notice of Appeal, Applicants submit a Pre-Appeal Request for Review. Please consider the following arguments in support of the Pre-Appeal Request for Review.

The Office Action rejected independent claim 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,601,679 to Crenella et al., in view of U.S. Patent Application Publication No. 2003/0191730 to Adkins et al., and further in view of U.S. Patent Application Publication No. 2002/0167393 to Mabuchi. The dependent claims are rejected based on obviousness over Crenella, Adkins, Mabuchi and additional references.

The present invention relates to a device for remote reading of states comprising a communication network and a plurality of peripherals, each of which adopts an instantaneous state. The device also includes a controller periodically scanning the peripherals to read therefrom the instantaneous state. The communication network electromagnetically connects the peripherals to the controller, and the peripherals are supplied with electrical energy via the communication network. The invention is useful for managing calls in lifts by means of peripherals not provided with any galvanic connection or individual power source, and thereby provides significant advantages by reducing the cost and complexity of providing an elevator installation.

Independent claim 13 is directed to a system for remote status readings that includes a communication network and a central controller linked to the communication network. The system of claim 13 further includes a plurality of peripheral devices linked to the controller through the communication network, **each peripheral device adopting at each instant an instantaneous status belonging to a plurality of possible statuses, the controller being operative to periodically scan the peripheral devices to read their instantaneous statuses**, the communication network being operatively provided so as to link the peripheral devices to the controller by radio frequency means, **the peripheral devices being supplied with electrical energy via radio frequency through the intermediary of the communication network**.

Regarding the rejection of independent claim 13, the Office Action relies on Crenella, Adkins and Mabuchi. Applicants respectfully submit that there is no suggestion or motivation to combine Crenella and Adkins. The Office action asserts that the motivation to combine the references is to "improve efficiency of Crenella's system by provide faster respond time due to the periodic monitoring function" (Office action; page 6, top). Applicants respectfully do not understand how a computer software system that provides an unobtrusive, rule-based computer usage enhancement system based on different usage patterns for individual users, as discussed in Adkins, would provide a faster response time for a two-part wireless communication system for elevator hallway fixtures, as described in Crenella. The system in Adkins for improving computer usage does not appear compatible with the wireless communications system in Crenella. In fact, Applicants submit that combining Adkins and Crenella would not provide a faster response time, as suggested, since **Crenella includes peripheral devices having their own power sources which can update the controller on any schedule, for instance at a change of status**. Therefore, since Crenella does not have a system in which the peripheral devices are powered by the communications network, as claimed, the feature of **periodic monitoring** may not improve the response time in Crenella. The Office Action's response to this argument discusses network updates for powered-down computers as alleged further support for the proposition that combining Adkins and Crenella would improve response times (Office Action; page 3, middle; citing Adkins; paragraph 0011). Applicants do not understand how the example

of a powered-down computer provides a motivation to combine the minimal active polling of Adkins with the wireless system of Crenella. Likewise, the Office Action asserts that Adkins suggests the combination with Crenella based on the image of a laptop in figure 1b of Adkins (Office Action; page 3, middle). However, there is no indication that the laptop is wireless, and applicants disagree that an isolated reference to a device which may be wireless provides any motivation to combine the computer usage enhancement system of Adkins with the wireless system of Crenella.

The Office action acknowledges that neither Crenella nor Adkins discloses or suggests the feature of "the peripheral devices being supplied with electrical energy *via a radio frequency* through the intermediary of the communication network" (Office action page 4, middle). The Office action relies on Mabuchi as alleged disclosure of this feature, citing paragraph [0255]. However, paragraph [0255] of Mabuchi only discusses an RFID tag and a power source for such RFID tags. Applicants submit that the combination of Mabuchi with Crenella and Adkins is also based on hindsight reasoning. Mabuchi does not disclose a peripheral device that adopts at each instant an instantaneous status and that is polled by a controller. According to Mabuchi, the peripheral device that is supplied with energy via radio waves is a radio frequency tag. Such a tag is a passive device that stores information that can only be written or read by an external controller. The tag itself does not process this information, so this information cannot represent *an instantaneous status of the tag*. In contrast, the peripherals disclosed by Adkins and Crenella are active energy consumers with a relatively high energy consumption. In the case of Adkins, for example, the active energy consumers are a printer or a hard disk, and in the case of Crenella, the active energy consumers are tranceivers 31. A person skilled in the art would not consider the teachings of Mabuchi for supplying a device such as a printer, a hard disk or a transceiver with power via radio waves. The easiest and cheapest way to supply such a peripheral device with energy is to plug it in to a power network. Furthermore, applicants submit that a person skilled in the art would have to choose which of the devices disclosed by Adkins, Crenella or Mabuchi to use as a peripheral device in a wireless supply network. By following the teachings of Mabuchi, the natural choice would be to use a tag as a peripheral device. However, the tag would not provide an information

about its status that could be polled by a controller as claimed. Therefore, the combination of the references is improper.

Applicants further submit that none of the references disclose or suggest the feature of "each peripheral device adopting at each instant an instantaneous status belonging to a plurality of possible statuses, the controller being operative to periodically scan the peripheral devices to read their instantaneous statuses". The Office action relies on Adkins as alleged disclosure of this feature, citing paragraph [0025] (Office action page 5; middle). However, paragraph [0025] of Adkins merely recites a "core rule engine ..., including ... a time monitor thread for *periodically polling device status*, ..." (emphasis added). Applicants submit that the reference to periodic polling of device status in Adkins does not disclose or suggest *each peripheral device adopting at each instant an instantaneous status belonging to a plurality of possible statuses*, nor the periodic scanning of peripheral devices to read instantaneous statuses. Adkins apparently relates to a computer software package which provides usage enhancement for a user. There is no indication in Adkins of peripheral devices which are capable of adopting a status, nor more particularly that such a status is *adopted at each instant at each peripheral device and read in a periodic polling by a controller*.

The Office Action's response to this argument merely refers again to paragraph 0025 and adds a new citation to paragraph 0062 of Adkins(Office action page 2, middle). However, neither cited section provides any support for adopting at each instant a status, and merely refer to polling. Applicants submit that if the Office Action is asserting that the adoption of a status at each instant is inherent in polling, applicants respectfully request that such reasoning be made explicit. Additionally, applicants submit that the requirement of inherency, that the unstated material *necessarily* follows from the explicit disclosure, is not met in this case. According to Adkins paragraphs 0025 and 0062, a core rule engine executes permanently multiple threads including a time monitor thread for periodically polling device status. However, this active monitoring is done on a minimal basis in order to use no more than 1% of the personal computer system's resources (Adkins; paragraph 0020). More specifically, Adkins teaches that "[i]t is preferable that active polling of devices be kept to an absolute

minimum to comply with the goal of using minimal resources" and that only if its absolutely necessary in the case of a hard disc to poll said hard disc actively once a month (Adkins; paragraph 0062). A feature of claim 1 is that a system for remote status readings comprises a controller **_periodically scanning the peripheral devices to read their instantaneous statuses adopted by each peripheral device_**. Adkins teaches away from such a feature by discussing reducing to a minimum the active polling, and provides no suggestion of adopting instantaneous statues.

Applicants therefore respectfully submit that the rejection of claim 13 should be withdrawn for at least these reasons. Each of the dependent claims is allowable at least for the same reasons as claim 13 is allowable.

Furthermore, Applicants note that claim 27, which is rejected based on Crenella in view of Adkins, Mabuchi, Face and Myers, recites that "each peripheral device includes a local antenna coupled to an induction loop of the communication network to receive the electrical energy transmitted by the induction loop". The Office action acknowledges that Crenella, Adkins and Mabuchi do not disclose this feature (Office action; page 13, middle), and relies on Face for this disclosure. Applicants submit that the wireless communication system as discussed in Crenella, and as modified by Adkins and Mabuchi, is not obviously modified by the inductance loop in Myers. Applicants submit that the combination of Myers and the other references is improper, and therefore respectfully submit that the claim 27 is not obvious.

Applicants respectfully request reconsideration of the present application and allowance of all pending claims.

Respectfully submitted,

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